Administration Building

Council Chambers

308 Fountain Circle

October 15, 2019

6:00 p.m.

**BOARD OF ZONING ADJUSTMENT**

Members Present:

Mr. Martin Sisson – Chairman

Mr. Bert Peake – Vice Chairman

Mr. Fred Coffey

Mr. Johnny Ozier – Supernumerary

Dr. David Branham

Ms. Kimberly Ford

Ms. Wendy Lee - Supernumerary

Others Present:

Mr. Thomas Nunez, City of Huntsville Planning Services

Mr. Travis Cummings, City of Huntsville Zoning Administration

Mrs. Courtney Edwards, City of Huntsville Zoning Administration, Recording Secretary

Mr. Robert Baudendistel, City of Huntsville Zoning Administration

Officer Johnny Hollingsworth, Huntsville Police Department

The regular meeting of the Board of Zoning Adjustment was called to order by Chairman Sisson at the time and place noted above.

Chairman Sisson explained the procedures of the Board of Zoning Adjustment to those present, advising that any decision made by the Board may be appealed to Circuit Court within 15 days from this date and that any variance or special exception requires four affirmative votes as set by State law. Any variance or special exception granted must be exercised within six months by obtaining the proper permit. Also, if the Board denies a request, the appellant would have to wait six months before reapplying for a variance unless there was a significant change in the appellant’s request.

Chairman Sisson further stated that a location of a structure variance at 13019 South Shawdee Road SE has been withdrawn. Chairman Sisson stated the special exception to allow an alcoholic beverage manufacturer at 109 North Side Square SE has been withdrawn.

Chairman Sisson then called the extension items.

**Case No. 9141 401 Quietdale Drive NW;** A use variance to allow a wedding venue in a Residence 1A Zoning District: James Ross Hickey, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow a private wedding venue in a Residence 1A Zoning District.

Mr. Coffey recused himself from this case.

Franklin Corley of for James Ross Hickey appeared before the Board and stated they had a meeting with the Neighborhood to discuss all issues to include traffic, noise, and parking. Mr. Corley stated the appellant wants to keep the natural buffer to the east. Mr. Corley stated they are working with the School Board on purchasing the adjacent property to west. Mr. Corley stated they would also hire off-duty police officers to direct traffic. Mr. Corley also stated they would like to place “no parking” signs around the neighborhood. Mr. Corley stated music would end at 10 p.m. on the weekends and Sunday through Thursday the music would end at 9 p.m. Mr. Corley stated they have worked out these conditions with the neighborhood and presented the list to the Board. Chairman Sisson called to hear from the Neighbors.

Mark Butcher of 2511 Vineyard Street appeared before the Board and stated they were originally against this request, however once he had listened at the Neighborhood meeting and the conditions the appellants are willing to agree to then he has changed his mind and is now for of this request being approved.

Ms. Lee asked how the appellant plans to place parking for this proposed venue. Mr. Corley stated they have a request to purchase land from the Huntsville City School Board. Ms. Lee asked if they were unable to purchase the property then how do they plan on accommodating the parking. Mr. Corley stated the would utilize the vacant lot in the back of the property. Dr. Branham asked if the appellant had to submit a parking plan with this request. Mr. Cummings stated no, but the Board could make a stipulation for the parking. Chairman Sisson asked how long the process is for the parking agreement or purchase. Mr. Corley stated 3 weeks. Dr. Branham asked if the existing structure is a single-family dwelling. Mr. Corley stated yes, the home structure is on the stated and national registry. Mr. Corley also stated the previous owner left the property is such a state of disrepair that it will cost too much to fix it without an income coming from the property. Chairman Sisson asked how long the property sat vacant. Mr. Hickey stated 2 years. Mr. Hickey also stated the slave quarters were a total loss and given an unsafe building by the City. Chairman Sisson asked when the property was purchased. Mr. Hickey stated December of this year. Mr. Hickey also stated he wants to keep the property historically accurate and if the use variance is approved they will begin work restoring the property as quickly as possible. Dr. Branham asked what the plans were for the property to the east. Mr. Hickey stated they plane to leave the property to the east alone, but create a walking garden. Dr. Branham asked how they plan to abate the noise. Corey Spearing appeared before the Board and stated she and the appellant had performed sound testing around the property. Ms. Spearing also stated they would require all events to follow the noise ordinance. Dr. Branham asked if the City has a way to monitor noise. Officer Hollingsworth stated Natural Resources can come out and measure the sound waves. Mr. Butcher stated they are not opposed to the venue having music, however the neighbors want to make sure they stop at a reasonable time. Mr. Cummings asked what the occupancy would be for the proposed wedding venue. Mr. Hickey stated between 200 and 250 people. Chairman Sisson stated the occupancy should be mandated by the Fire Marshal. Chairman Sisson asked what the plan is to enforce parking. Mr. Cummings stated the appellant has agreed to the condition of hiring an off-duty police officer for each event. Chairman Sisson asked the Board if they have any questions or if there is a motion.

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve a use variance to allow a wedding venue in a Residence 1A Zoning District for this appellant only and this use only, with the stipulations the vacant property to the west (PPIN 131938) is either purchased or a long-term ground lease is secured from the Huntsville City School Board, and no habitable structures are constructed on the vacant lot to the east (PPIN 34569). The Board also approved the request due to the fact the appellant has met with the neighbors of Belle Meade Heights Community and came to an agreement and presented a list of conditions that was approved by the Board of Zoning Adjustment as follows: • Sunday through Thursday music must stop by 9:00 p.m.• Friday and Saturday music must stop by 10:00 p.m.• Leave current natural barrier along fence line of houses bordering the Quietdale property.• No music in front yard due to the fact there are no barriers toward the tennis court and ball fields that border the back of houses on Vinyard.• Police and/or Security must be on site for events.• Security and Parking attendants to monitor traffic flow. • Security and Parking attendants will direct traffic to Exit to Lee High Drive or Quietdale Drive to Meridian Street or Christian lane to Highway 72 • Look into installing “no parking” signs. **Approved unanimously**.

Chairman Sisson then called the regular agenda items.

**Case No. 9138**  **201 Bob Wallace Avenue SE**; A use variance to allow Christmas tree sales; Jeff Cole of Young Life, a Texas Non-Profit Corporation appellant, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow Christmas tree sales in a Residence 1C Zoning District.

Jeff Cole of Young Life, a Texas Non-Profit Corporation, appeared before the Board and stated this request is the same request as years past. Mr. Cole also stated his hours and dates of operation are Friday November 29th, 2019 until December 24th, 2019 and 11 a.m. to 8 p.m. Monday through Friday, from 9 a.m. to 8:00 p.m. on Saturday, and from 1:00 p.m. to 8:00 p.m. on Sunday.

A motion was made by Mr. Coffey and seconded by Vice Chairman Peake to approve a use variance to allow temporary Christmas tree sales in a Residence 1C Zoning District from November 29, 2019, through December 24, 2019, from 11:00 a.m. to 8:00 p.m., Monday through Friday, from 9:00 a.m. to 8:00 p.m. on Saturday, and from 1:00 p.m. to 8:00 p.m. on Sunday. **Approved unanimously**.

**Case No. 9139 2948 Mill Run Road SE;** A height variance; Jeffrey C. Tallman of LifeCenters Communities, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require an 11 foot height variance to allow a partially enclosed rooftop dining area in a Neighborhood Business C1 Zoning District.

Jeffery C. Tallman of LifeCenters Communities, LLC, for Mill Road 431-9.73, LLC, appeared before the Board and stated he wants to build a wellness center with 4 levels. Mr. Tallman also so stated on top floor the building would exceed the maximum height requirement due to the proposed restaurant, bar, conference center, and open terrace. Chairman Sisson asked what uses were going in the proposed building. Mr. Tallman stated retail, office space, and spas. Chairman Sisson asked if this proposed building was a part of the elderly community. Mr. Tallman stated no this would be open to the public. Mr. Coffey asked if this request is the same as the request for the medical center. Mr. Tallman stated no, the previous request is on a lot that is lower in elevation and abuts residential property. Dr. Branham asked why the appellant could not design a building that could be in compliance. Mr. Tallman stated the Neighborhood Business C1 Zoning District is hard to build new construction. Dr. Branham asked if the variance is not granted then would he still build. Mr. Tallman stated yes, they would still build everything except the restaurant. Mr. Coffey asked if the restaurant would have music. Mr. Tallman stated yes. Chairman Sisson asked for clarification of the Zoning Ordinance change in reference to height. Mr. Nunez stated the change is only to the maximum number of stories being removed from the ordinance, not for the maximum height. Ms. Lee asked what direction the open portion would be pointing. Mr. Cummings stated towards the golf course. Mr. Cummings stated this property is different due to the fact it is located on a major arterial and has a zone of Neighborhood Business C1 Zoning District. Ms. Lee asked if the appellant received any complaints. Mr. Tallman stated no. Chairman Sisson asked if the City has any problems with this request. Mr. Cummings stated no.

A motion was made by Ms. Lee and seconded by Vice Chairman Peake to approve a 11 foot height variance to allow a partially enclosed rooftop area in a Neighborhood Business C1 Zoning district due to the fact this property is over 500 feet from the closest residential home, this Neighborhood Business C1 tract of land is located on a major arterial, and this tract of land is adjacent to a golf course. The motion passed with a 4 to 1 vote. Dr. Branham was a no vote.

**Case No. 9140 1030 Old Monrovia Road NW;** A use variance to allow an automobile repair garage in a Residence 2B Zoning District; Zachary P. Penny of Wynn Drive Properties, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow an automobile repair garage in a Residence 2B Zoning District.

Zachary P. Penny of Wynn Drive Properties, LLC, appeared before the Board and stated they would like to build an indoor collision center at the old Hobby Lobby location on Old Monrovia. Mr. Penny also stated they have out grown their current location and they have plans to improve the building and parking lot as well. Chairman Sisson asked what the variance history for this property was. Mr. Cummings stated the property has a history of use variances starting in 1984 for a lumber retailer, 1994 antique mall, and in 2015 for an indoor go-cart facility. Mr. Cummings also stated the Hobby Lobby use fell under the antique mall. Paul Pate appeared before the Board and stated to the east of those properties it is zoned Light Industrial Zoning District and to the south those properties are zoned Highway Business C4 Zoning District. Mr. Pate also stated the appellant wants to remain at this location for many years. Mr. Pate stated there is a large tree line separating this property and the only residential structure. Vice Chairman Peake asked what is the daily operations of this business. Mr. Penny stated this collision center would employees 25 to 30 employees where they would work on the vehicles inside only and the hours of operation are 7:00 a.m. to 6 p.m. Monday through Friday. Mr. Coffey asked if there would need to be a variance for any signage. Mr. Cummings stated the appellant would use a previous sign variance. Mr. Pate stated they would bring existing signs up to compliance. Chairman Sisson asked what the fenced in area of the site plan is to be used for. Mr. Penny stated the fenced in area to the east would be for vehicles that are in the process of being worked on or waiting for work to be done. Ms. Lee asked if the tree line abuts the Light Industry Zoning District. Mr. Cummings stated yes. Dr. Branham asked what if the appellant is meeting landscape requirements. Mr. Cummings stated the appellant is not required to update landscaping, however the appellant will be adding interior landscaping. Chairman Sisson asked to hear from the neighbors.

Mark Coffin of 1040 Old Monrovia Road, appeared before the Board and stated the appellant has answered all the concerns about noise and potential chemical smells, so he now longer has concerns about this use moving into this location.

Felicia Waterton of 5834 University Drive, appeared before the Board and stated she is not opposed to the use, however her husband’s use variance in this area was recently denied and she wants this area rezoned. Mr. Cummings stated Mr. Nunez reached out to the current property owner for a potential re-zoning and it did not go forward. Mr. Cummings also stated the use variance was a proposed package store and the Board is very protective of that use.

Herb Fuller of 1043 Old Monrovia Road, appeared before the Board and stated he agrees with Mr. Coffin and feels this use would be appropriate inside this building.

Chairman Sisson asked if the Board has any questions or a motion.

A motion was made by Dr. Branham and seconded by Mr. Ozier to approve a use variance to allow an automobile repair garage in a Residence 2B Zoning District as presented, for this appellant only and this use only. **Approved unanimously**.

**Case No. 9141 1900 Cedar Ridge Road SE**; The location of a structure; Patrick L. Fleming and Elizabeth D. Fleming, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require an 8 foot 7 inch rear yard setback variance to replace an existing deck in a Residence 1A Zoning District.

Chairman Sisson recused himself from this case.

Patrick L. Fleming appeared before the Board and stated he wants to replace an aging deck and partially enclose a section of the new deck. Dr. Branham asked if the structure was not enclosed would they being the setback. Mr. Cummings stated due to the structure being over 3 feet in height, the proposed deck would have to meet structure setbacks. Dr. Branham stated the request is not expanding the non-conformance. Vice Chairman Peake asked what size of the deck will be enclosed. Mr. Fleming stated a 12 foot deep by 30 foot wide section of the deck would be enclosed.

A motion was made by Dr. Branham and seconded by Mr. Coffey to approve an 8 foot 7 inch rear yard setback variance to replace an existing deck in a Residence 1A Zoning District. **Approved unanimously**.

**Case No. 9142 14020 Galveston Circle SW**; The location of a structure, Neal Bunn of Bunn Remodeling and Construction, Inc., for Mary Etta Wills Castell, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 13 foot 5 inch rear yard setback variance in a residence 1B Zoning District.

Neal Bunn of Neal Bunn of Bunn Remodeling and Construction, Inc. for Mary Etta Wills Castell, appeared before the Board and stated due to the pie shaped lot the proposed addition is encroaching on the rear yard setback. Vice Chairman Peake asked what is the use of the addition. Mr. Bunn stated a bedroom. Vice Chairman Peake asked if the appellant sent out letters. Mr. Bunn stated yes, but did not hear anything back. Dr. Branham asked if the proposed addition met the side yard setback. Mr. Cummings stated yes. Dr. Branham asked if the proposed addition was moved out of the rear yard would it meet the setbacks. Mr. Bunn stated it would no longer meet the side yard setback. Chairman Sisson asked if the City has any concerns. Mr. Cummings stated no.

A motion was made by Vice Chairman Peake and seconded by Mr. Coffey to approve a 13 foot 5 inch rear yard setback variance in a Residence 1B Zoning District due to the shape of the lot. **Approved unanimously**.

**Case No. 9143 301 Franklin Street SE**; Projection of signage; Tanveer Ziaur Rehman of FASTSIGNS for Albert L. Patterson III of Navigator International, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings this request will require a use variance to allow a manufactured home in a Planned Industrial Zoning District.

Mr. Coffey recused himself.

Tanveer Ziaur Rehman of FASTSIGNS for Albert L. Patterson III of Navigator International, LLC, appeared before the Board and stated this request is for the only sign on the building and the proposed sign would only project 24 inches off the wall. Mr. Cummings stated the proposed sign would project 31 inches off the wall. Chairman Sisson asked if this type of request would be included in the Sign Ordinance changes. Mr. Cummings stated yes, the amendment would be for projection of signs up to 48 inches.

A motion was made by Dr. Branham and seconded by Ms. Lee to a 15 inch projection sign variance for two double face projection signs provided air rights are granted. **Approved unanimously.**

**Case No. 9144**  **13017 South Shawdee Road SE**; The location of a structure, Michael W. Friday of Diltina Development Corporation, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 20 foot front yard setback variance due to the front yard average requirements.

Michael W. Friday of Diltina Development Corporation, appeared before the Board and stated the request is due to the fact he build the house just to the north of this property for his in-laws and pushed the house back 15 feet. Dr. Branham stated the hardship for this property was caused by the appellant. Mr. Friday stated yes. Ms. Lee asked if the variance is a request to build at the setback. Mr. Cummings stated yes. Mr. Cummings also stated the request is due to the front yard averaging and the only property that is taken into consideration, pushes the front yard setback.

A motion was made by Chairman Sisson and seconded by Vice Chairman Peake to approve a 20 foot front yard setback variance due to the location of an existing home on a deeper adjacent lot taken into account for the front yard average requirement and due to the fact the appellant is going to locate new single family dwellings on both 13017 and 13019 South Shawdee Road for a 40 foot front yard setback. **Approved unanimously.**

**Case No. 9145 13019 South Shawdee Road SE**; The location of a structure, Michael W. Friday of Diltina Development Corporation, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 20 foot front yard setback variance. According to Article 73.7.4 of the Zoning Ordinance, where the developed lots within one hundred (100) feet on the same side of the street of any developed lot have a greater or lesser front yard than required herein. The front yard of such undeveloped lot shall be within five (5) feet of the average front yard.

Chairman Sisson stated this request has been withdrawn.

**Case No. 9146 4016 Heather Hill Drive SE**; The location of a structure, Jimmy D. Compton and Lynda J. Compton, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 20 foot front yard setback variance. According to Article 73.7.4 of the Zoning Ordinance, where the developed lots within one hundred (100) feet on the same side of the street of any developed lot have a greater or lesser front yard than required herein. The front yard of such undeveloped lot shall be within five (5) feet of the average front yard.

Jimmy D. Compton appeared before the Board and stated he is requesting a variance to build at the 40 foot setback. Mr. Compton also stated if he were to build his home at the front yard averaging setback then his home would not be aligned with the existing homes on the street. Mr. Cummings stated the front yard averaging for this property staggers the homes. Vice Chairman Peake asked what the front yard setback is for this Zoning District. Mr. Cummings stated in a Residence 1A Zoning district the front yard setback is 35 feet, but this property has to take the front yard averaging rule. Darryl Cox of Cox Custom Builders, LLC appeared before the Board and stated Mr. Compton and himself want to be in line with the other homes however two homes are sitting farther back and due to the averaging pushes the setback farther back for these proposed new construction homes. Mr. Compton stated with the averaging it pushed his proposed structure into the lower slope and he would like to place his home forward to avoid the slope district. Chairman Sisson asked if the Board has any questions or is there a motion.

A motion was made by Mr. Coffey and seconded by Chairman Sisson to approve a 20 foot front yard setback variance due to the fact the proposed structure will be consistently aligned with most of the homes on the same side of the street. **Approved unanimously**.

**Case No. 9147 4018 Heather Hill Drive SE**; The location of a structure; Darryl Cox of Cox Custom Builders, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 20 foot front yard setback variance. According to Article 73.7.4 of the Zoning Ordinance, where the developed lots within one hundred (100) feet on the same side of the street of any developed lot have a greater or lesser front yard than required herein. The front yard of such undeveloped lot shall be within five (5) feet of the average front yard.

Darryl Cox of Cox Custom Builders, LLC, appeared before the Board and stated his request is exactly the same as the previous request. Mr. Cox also stated he would like to also be in line with the other house on the street. Chairman Sisson stated the Board could consider this request like the request that was just heard.

A motion was made by Ms. Lee and seconded Mr. Coffey by to a 20 foot front yard setback variance due to the fact the proposed structure will be consistently aligned with most of the homes on the same side of the street. **Approved unanimously**

**Case No. 9148**  **1023 Locust Avenue SE**; The location of a structure, Christopher Singer and Joan Singer, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 3 foot west side yard setback variance.

Christopher Singer appeared before the Board and stated he wants to expand the garage with an open carport. Mr. Singer also stated his request is at this location off the garage because he does not want to lose mature trees in the backyard. Chairman Sisson asked if this location is alley access. Mr. Singer stated yes. Vice Chairman Peake asked if the garage is existing. Mr. Singer stated yes. Dr. Branham asked if the carport is open on 2 or 3 sides. Mr. Singer stated the proposed carport would be open on 3 sides. Chairman Sisson asked if the Board has any questions or is there a motion.

A motion was made by Vice Chairman Peake and seconded by Mr. Coffey to approve a 3 foot west side yard setback variance due to the fact the proposed addition does not increase the existing non-conforming side yard setback and with the stipulation the addition is not enclosed. **Approved unanimously.**

**Case No. 9149 3124 Triana Boulevard SW**; A use variance to allow a professional office building in a Residence 1B Zoning District and a use variance for the location of Off-Street parking in a Neighborhood Business C1 Zoning District, Mary E Norton**,** appellant.Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow a professional office building in a Residence 1B Zoning District. This request will also require a use variance for the location of Off-Street parking in a Neighborhood Business C1 Zoning District.

Carl Gesseler appeared before the Board and stated they would like to turn this property in to a real estate office. Mr. Cummings stated this property was a church and the parking is on an adjacent property. Vice Chairman Peake asked what is the Boards history for this type of request. Mrs. Johnson stated the Board has approved this type of use at 800 Clinton Avenue and 2222 Governors Drive. Mrs. Johnson also stated the Board denied a request at 926 Weatherly Road, due to the opposition from the church located on the adjacent property, therefore the Board has approved and denied this type of requests. Mr. Gesseler stated the parking lot across the street would be utilized for employee parking. Vice Chairman Peake asked where the real estate office is currently located. Mr. Gesseler stated 6th Street. Dr. Branham asked if there are other commercial uses around this location. Mr. Gesseler stated there are a few business, apartments, and homes. Mr. Baudendistel stated the area consist of Residence 1B Zoning District, Neighborhood Business C1 Zoning District, and Heavy Industry Zoning District. Vice Chairman Peake asked what is the square footage of the building. Mr. Gesseler stated 7000 square feet. Vice Chairman Peake about the hours of operation. Mr. Gesseler stated Monday through Friday from 8:00 a.m. until 6:00 p.m. Vice Chairman Peake asked how many parking spaces were on the site with the church. Mr. Gesseler stated 15 spaces and a they would be making a after hour drive-thru for payment drops. Mr. Gesseler also stated they would be making improvements to the parking lot to meet ADA regulations. Chairman Sisson asked if they were planning on adding to the square footage or just renovations to the building. Mr. Gesseler stated on cosmetic renovations and no additions. Vice Chairman Peake asked where the real estate classes would be held and how often. Mr. Gesseler stated the classes are held quarterly during normal business hours and would be held in a classroom. Vice Chairman Peake asked if the appellant mailed out letters and if they heard anything back. Mr. Gesseler stated yes, they mailed out letters and they did not hear anything back. Vice Chairman Peake asked if there was any opposition from Merrimack Village. Mr. Gesseler stated no. Vice Chairman Peake stated he was surprised Merrimack Village was not here or voiced an opinion on this request. Vice Chairman Peake asked how long the church has been vacant. Mr. Gesseler stated at least a year. Chairman Sisson asked if this request would set a precedent. Mr. Cummings stated these cases have been approved and denied on a case by case basis Dr. Branham stated he realizes this is not a house being turned into an office however churches are allowed in residential zoning districts, so once the church moves on or closes the commercial structures being left vacant opens a door for commercial uses in a residential zoning district. Chairman Sisson asked if the appellant would need a sign variance. Mr. Gesseler stated they are refacing existing signage so they do no need a variance. Chairman Sisson asked what the City’s standing on this request. Mr. Cummings stated each request is looked at on a case by case basis. Mr. Cummings also stated Merrimack Village’s recent opposition has been for residential structures being turned into commercial uses. Vice Chairman Peake stated this location will never look residential, so he sees how this use would be conducive with the area. Chairman Sisson asked about the history for parking. Mr. Cummings stated the Board has history of approving this type of request for off-street parking for adjacent properties.

A motion was made by Vice Chairman Peake and seconded by Ms. Lee to approve a use variance to allow a real estate office building in a Residence 1B Zoning District for this appellant only and this use only, as well as a use variance for the location of Off-Street parking in a Neighborhood Business C1 Zoning District for this appellant only and this use only. **Approved unanimously.**

**Case No. 9150**  **3008 Memorial Parkway SW**; PVA landscaping, Kelly Wagoner of Buckel Design Group for Don Thrailkill of Halle Properties, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 5 foot perimeter landscape variance on the north and south property lines.

Kelly Wagoner of Buckel Design Group for Don Thrailkill of Halle Properties, LLC., appeared before the Board and stated they are opening the third Discount Tire location in Alabama. Mr. Wagoner also stated this is a retail and inside installation only. Mr. Wagoner stated each store location employees between8 to 10 employees and has hours of operation 8:00 a.m. to 6:00 p.m. Monday through Saturday. Chairman Sisson asked who the old tenant of this location was. Mr. Baudendistel stated this location is the parking lot of Bruno Grocery Store and now Ashley Furniture. Mr. Wagoner stated the store front faces Memorial Parkway. Mr. Wagoner also stated the north property line is existing paved access ways. Mr. Wagoner stated they would have to alter Ashley Furniture’s parking lot with the intent to create a barrier between the two stores. Chairman Sisson asked if the appellant could explain the request on the south property line. Mr. Wagoner stated they would like to eliminate the landscaping on the south property line, however they would like to place landscaping on the property to the south. Chairman Sisson asked who would maintain the landscaping if it is not on the Tire Discounters’ property. Mr. Wagoner stated Tire Discounters’ would maintain the landscaping. Mr. Ozier asked if this property was the product of a new subdivision. Mr. Wagoner stated this property has been its own lot since the structure to the south was a Bruno Grocery Store. Dr. Branham asked if the landscaping agreement has been made with the owners of the Ashley Furniture lot. Mr. Wagoner stated they are in the process and still working on the agreement. Mr. Cummings asked if they were planning on meeting the landscaping requirements elsewhere on the property. Mr. Wagoner stated they would have landscaping on the front of the store and they would be keeping existing trees on the north property line. Mr. Baudendistel asked if the area on the screen is a raised curb. Mr. Wagoner stated yes. Mr. Baudendistel asked if they could fit a smaller request into the raised curb. Mr. Wagoner stated no. Mr. Wagoner also stated they are proposing the minimum drive isles. Chairman Sisson asked what the appellant is proposing. Mr. Wagoner stated to provide the 10 foot landscaped islands on the property to the south.

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve a 5 foot perimeter landscape variance on the north property line due to the location of the drive isles between both developments, as well as a 5 foot perimeter landscape variance on the south property line with the stipulation a written agreement with the land owner is secured to construct landscape islands. **Approved unanimously.**

**Case No. 9151 427 Eustis Avenue SE**; The location of a structure, Ty Rains for Jeffery W. Huntley and Kristal D. Huntley, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 4 foot 9 inch west side yard setback variance for the location of an addition to an existing non-conforming accessory structure

Ty Rains for Jeffery W. Huntley and Kristal D. Huntley, appeared before the Board and stated he is wanting to extend the existing garage by 8 feet. Mr. Cummings stated the proposed addition is not expanding the existing non-conforming side yard. Mr. Baudendistel stated the current structure has a side yard of 3 foot and 6 inches. Chairman Sisson asked if the Board has any questions or a motion. Dr. Branham stated these requests seem to be coming in front of the Board more often, and if the request does not go over lot coverage and they are not expanding the non-conformance then the request is ok. Dr. Branham also stated these requests feel like the non-conformance is boxing in the Board. Mr. Baudendistel stated each of these requests are taken into consideration on a case by case basis. Mr. Baudendistel also stated Zoning Administration looks at the facts the existing structures were most likely built before the Zoning Ordinance and to maintain the historic integrity along with allowing for modern vehicle sizes.

A motion was made by Vice Chairman Peake and seconded by Ms. Lee to approve A 4 foot 9 inch west side yard setback variance for an addition to an accessory structure, due to the fact the addition will not increase the non-conformance of the accessory structure. **Approved unanimously.**

**Case No. 9152 109 North Side Square SE**; A special Exception to allow an alcoholic beverage manufacturer, Ron Jewell of Chandler’s Ford Brewing, LLC, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a special exception to allow an alcoholic beverage manufacturer in a General Business C3 Zoning District. According to 92.5.3 (37) of the Zoning Ordinance, alcoholic Beverage Manufacturers that conduct tastings or samplings on the licensed premises (with or without entertainment) shall be permitted as a Special Exception in General Business C-3.

Chairman Sisson stated this request has been withdrawn.

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve the May 21, 2019, meeting minutes. **Approved unanimously.**

A motion was made by Chairman Sisson and seconded by Mr. Coffey to approve the July 16, 2019, meeting minutes. **Approved unanimously**.

There being no further business, the meeting adjourned at 8:19 p.m.